

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GERROD L. HERNDON,

Plaintiff,

v.

SUPREME POWER OF THE LAW,

Defendant(s).

Case No. [23-cv-01117-CRB](#) (PR)

**ORDER OF DISMISSAL**

Plaintiff, a former state prisoner currently at All Saints Extended Care, an assisted living facility in San Rafael, California, filed a pro se complaint under 42 U.S.C. § 1983 using the court's prisoner complaint form wherein he alleges "I need to have my case heard in a courtroom with me present . . . ." ECF No. 1 at 3. He names as defendant "Supreme Power of the Law" (who the complaint suggests may be a "clergy pastor") but sets forth no facts whatsoever describing any wrongdoing or tying defendant (or any other possible defendant) to any wrongdoing. *Id.* at 1, 2.

On May 16, 2023, the court dismissed the complaint with leave to amend for plaintiff "to allege a claim for relief under § 1983, if he can." ECF No. 4 at 2. The court explained that plaintiff "must allege specific facts showing how a state actor caused the deprivation of a federal right" and that "[c]onclusory allegations will not do." *Id.* (citing Leer v. Murphy, 844 F.2d 628, 634 (9th Cir. 1988)). The court also warned plaintiff that "[f]ailure to file a proper amended complaint within [28 days] will result in the dismissal of this action." *Id.* at 2.

More than 28 days have passed since the court's May 16, 2023 order and plaintiff has neither filed an amended complaint nor sought an extension of time to do so. This action accordingly is DISMISSED without prejudice and the clerk is instructed to close the case.

**IT IS SO ORDERED.**

Dated: June 16, 2023



CHARLES R. BREYER  
United States District Judge